

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 4077-01
BILL NO. HB 1697
SUBJECT: Fingerprinting; Missouri Charge Code; State Departments
TYPE: Original
DATE: February 11, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$500,000 to Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	(\$500,000 to Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(Exceeds \$100,000)	(Exceeds \$100,000)	(Exceeds \$100,000)

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture; Office of Administration; Department of Economic Development; Department of Elementary and Secondary Education; Department of Transportation; Department of Mental Health; Department of Natural Resources; Department of Health; Department of Labor and Industrial Relations; Department of Corrections; Department of Revenue; Department of Social Services; Department of Public Safety; Missouri Gaming Commission; Office of the Governor; Department of Insurance; Joint Committee On Public Employee Retirement; Missouri Ethics Commission; Missouri House of Representatives; Office of the Lt. Governor; Public School and The Non-Teacher School Employee Retirement System; Office of State Auditor; Office of Secretary of State; Office of State Treasurer; State Tax Commission; Office of State Public Defender; Missouri Veteran's Commission; Moberly Area Community College; University of Missouri Police Department; Harris Stowe State College; Missouri Western State College; Southwest Missouri State University; and the Jefferson City Police Department** assume that this proposal would have no fiscal impact to their agencies

Officials from the **Department of Conservation** assume the proposed legislation would have a negligible fiscal impact on their agency.

Officials from the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agency; however, assume it will impact local prosecutors.

Officials from the **Office of St. Louis County Prosecuting Attorney (SCPA)** assume the proposed legislation would have no fiscal impact on their agency. Their facility currently has finger printing capabilities; however, smaller locations may not have such facilities available which could result in significant costs to them.

The proposal also decreases the reporting time from every 30 days to every 15 days which would not pose a problem for SCPA because their reports are transmitted electronically; however, costs could be incurred by courts who transmit manually.

Officials from the **Office of Boone County Prosecuting Attorney (BCPA)** assume the proposed legislation would have a significant impact on their agency. As a result of the proposal, prosecuting attorneys would become entities that would process fingerprinting. This proposal would add driving offenses to cases already processed. BCPA may have 2,500 cases pending at any time. Adding 3,000 driving offenses would increase costs significantly.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make changes in the way information is collected and entered in the state criminal history system maintained by Missouri State Highway Patrol. The implication and the impact for this legislation could be significant and costly for the courts. The judiciary is in the middle of a statewide court automation program, and to comply now would require modifying existing legacy systems that will be replaced within the next two years, as well as modifying the Banner case management system being implemented in the courts now. To comply now, modifications for both ACMS and MOCIS would be required. Also, CTS would need to consider that all other case management (not Banner) systems that are running in the courts (e.g. St. Louis City, Kansas City) would also require modifications.

The proposed definition of “charge code” is not consistent with current practice. The national criminal information center modifier is not currently a part of the charge code. Altering the current practice to comply with the new definition will require reprogramming of automation systems (legacy and Banner case management systems and the State Wide Judicial Information System II (SWJIS II)). The reprogramming, testing, fielding, and training efforts will entail significant man-hours of effort. The court clerk, who is responsible for criminal history reporting, does not receive information of sufficient detail to correctly ascertain the national crime information center modifier (e.g. aggravated assault-family-gun; aggravated assault-family-weapon; aggravated assault-family-strongarm). At this time CTS is unable to determine what effort would be involved to modify various local applications that are not under CTS’s control.

CTS estimates that SWJIS modification would require approximately 1000 hours. ACMS modifications are estimated at 800 hours. MOCIS modifications are also estimated at 800 hours. Not knowing what technology would be required for communications to the appropriate state departments, a range of cost could be encountered. If CTS were to use something like the MQ series, currently used by the Highway Patrol, the cost could be approximately \$75,000. The legislation calls for a modifier, mentioned above, which would cost at least \$55,000 to add to Banner.

In addition, the proposed addition of Section 43.503.8 RSMo and 43.506.2 RSMo, coupled with the proposed deletion of offenses specifically considered nonreportable, gives law enforcement agencies great latitude on the types and volume of offenses reported to the central repository. This, when taken with the requirements of Section 43.503.4 RSMo requiring the courts to report dispositions of all arrests received by the central repository, has the potential of significantly increasing the volume of dispositions to report. This is especially true in municipal courts, which currently are required to report only driving while intoxicated offenses. Municipal courts are not staffed to assume a greater reporting burden. Leaving the option, has the potential of flooding

ASSUMPTION (continued)

the criminal history system with minutia on minor offenses, including those currently specifically excluded from reporting requirements. It is not feasible, at this time, to predict which offenses law enforcement agencies would deem appropriate to require arrest and fingerprinting of the suspect; therefore, it is not possible to determine the potential impact on court clerk workloads, but it could be significant.

While it is not possible to develop an exact cost estimate, it is possible that it may cost state government \$500,000 or more and be of short-term utility. Local county and municipal costs would also be significant but CTS is not in a position to estimate them. The costs would likely exceed \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE

<u>Costs</u> - Office of State Courts Administrator	(\$500,000 to Unknown)	(Unknown)	(Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL GOVERNMENTS	(Exceeds \$100,000)	(Exceeds \$100,000)	(Exceeds \$100,000)
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DESCRIPTION

This proposal makes a number of changes with respect to records kept by the State Highway Patrol. The proposal:

(1) Specifies that a state offense cycle number (OCN) must be supplied or approved by the Highway Patrol, and defines the "Missouri charge code" as a unique number assigned by the Office of State Courts Administrator to each offense for tracking purposes (Section 43.500);

DESCRIPTION (continued)

- (2) Requires that law enforcement agencies, in addition to the information previously required, must now furnish charge codes to the central repository for all arrests within 15 days. Previously, the information was required within 30 days (Sections 43.500, 43.505);
- (3) Provides procedures for filing information with the central repository concerning juveniles and juveniles who have been certified as adults, which must be done within 15 days. Currently, information need not be provided unless the juvenile is certified as an adult (Sections 43.503, 43.521);
- (4) Requires court clerks to furnish the Department of Corrections or the Department of Mental Health with information concerning the offense, including the charge code, within 15 days of the arrest. Currently, this must be done within 30 days, and the charge code is not required (Section 43.503);
- (5) Provides that information, including fingerprints, be taken from offenders at any time after entry into the criminal justice system or being committed to the Department of Mental Health, before final disposition or discharge. If the information is not obtainable at the time of processing, the proposal requires it to be obtained at arraignment, and be forwarded with the offense cycle number to the central repository, the prosecuting or circuit attorney, and the court clerk (Section 43.503);
- (6) Requires the Department of Corrections to supply the central repository with all legal name changes, in addition to information that must already be updated (Section 43.503);
- (7) Allows criminal justice agencies to report information to the central repository with respect to offenders who have not violated an offense categorized in the Missouri charge code manual (Section 43.503);
- (8) Changes the offenses to be considered reportable to the central repository (Section 43.506);
- (9) Requires the Criminal Records Advisory Committee to meet annually. Currently, it meets semiannually (Section 43.518);
- (10) Specifies that the Highway Patrol may spend the proceeds of the Criminal Record Systems Fund for fingerprint searches done by the central repository (Section 43.530);
- (11) Requires that information obtained from the central repository must be used for legitimate purposes, and the subject of the record may challenge its accuracy (Section 43.532);

DESCRIPTION (continued)

(12) Revises provisions concerning the submission of fingerprints to the Highway Patrol for criminal background checks by those seeking employment, licensure, or certification. Requests must be submitted to the central repository. The proposal specifies the department, agencies, and committees that may request such information (Section 43.532);

(13) Allows sheriffs to submit fingerprints of applicants seeking a permit to acquire a concealable firearm to the central repository and national criminal history files when the sheriff deems appropriate. Applicants must pay the fees for searches. Sheriffs may refuse to issue the permit if waiting on the results of a fingerprint search or there is a suspicion that applicants pose a threat to themselves or others (Section 571.090); and

(14) Specifies that closed arrest records be left open to criminal justice and law enforcement agencies for the administration of justice and employment purposes and for fingerprint searches (Section 610.120).

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Office of Administration
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Transportation
Department of Mental Health
Department of Natural Resources
Department of Health
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Public Safety
Department of Corrections
Missouri Gaming Commission
Office of the Governor
Department of Insurance
Joint Committee On Public Employee Retirement
Department of Conservation

L.R. NO. 4077-01
BILL NO. HB 1697
PAGE 7 OF 7
February 11, 2000

SOURCES OF INFORMATION (continued)

Missouri Ethics Commission
Missouri House of Representatives
Office of the Lt. Governor
Office of Prosecution Services
Public School and The Non-Teacher School Employee Retirement System
Office of State Auditor
Office of Secretary of State
Office of State Treasurer
State Tax Commission
Office of State Public Defender
Missouri Veteran's Commission
Moberly Area Community College
University of Missouri Police Department
Harris Stowe State College
Missouri Western State College
Southwest Missouri State University
Jefferson City Police Department
Office of St. Louis County Prosecuting Attorney
Office of Boone County Prosecuting Attorney



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Director
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